

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RANDOLPH M. WARGATS,	)	
	)	
Plaintiff,	)	Civil Action No. 05-0318
	)	
v.	)	
	)	Judge McVerry
PITTSBURGH TECHNICAL	)	Magistrate Judge Lenihan
INSTITUTE,	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

Plaintiff's Complaint was received by the Clerk of Court on March 9, 2005 and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate's Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (Doc. No. 43) filed on December 4, 2006, recommended that the Motion for Summary Judgment filed by Pittsburgh Technical Institute (Doc. No. 31) be denied. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. No objections have been filed. After review of the pleadings and the documents in the case, together with the Report and Recommendation, the following Order is entered:

**AND NOW**, this 8<sup>th</sup> day of January, 2007;

**IT IS HEREBY ORDERED** that Defendant's Motion for Summary Judgment (Doc. No. 31) is denied.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Doc. No. 43) of Magistrate Judge Lenihan, dated December 4, 2006, is adopted as the Opinion of the Court.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Judge

cc: The Honorable Lisa Pupo Lenihan  
United States Magistrate Judge

All counsel of record